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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

HORACESSA ROBINSON,

Defendant and Appellant.

B216779

(Los Angeles County
Super. Ct. Nos. NA080866-01,
NA0775441-03)

APPEAL from a judgment of the Superior Court of Los Angeles County. Richard R. Romero, Judge. Affirmed with directions.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Keith H. Borjon and Sharlene A. Honnaka, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant/Appellant Horacessa Robinson asks this court to correct the abstract of judgment that was filed following her no contest plea to one count of assault by means of force likely to produce great bodily injury. (Pen. Code, § 245, subd. (a)(1).) Respondent agrees with Appellant that the abstract should be corrected, and Appellant raises no other issues on appeal. We therefore will direct the clerk of the trial court to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment. The judgment will be affirmed.

BACKGROUND

In October 2007, Appellant and two codefendants were involved in an altercation with three people at a park. Appellant hit several people with a skateboard and helped beat them up. One victim was knocked unconscious and suffered a broken eye socket.

Appellant was charged by information with three counts of assault with a deadly weapon, a skateboard. (Pen. Code, § 245, subd. (a)(1).) The information alleged that, as to counts 1 and 3, Appellant personally inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)), causing the offenses to be serious felonies (Pen. Code, § 1192.7, subd. (c)(8)). The information further alleged that Appellant had a prior serious or violent felony conviction.

Appellant entered not guilty pleas. Appellant subsequently withdrew her not guilty pleas and accepted a plea offer. Appellant entered a plea of no contest to one count of assault by means of force likely to produce great bodily injury, with the allegation that she personally inflicted great bodily injury. (Pen. Code, §§ 245, subd. (a)(1), 12022.7, subd. (a).) The court accepted the plea and found Appellant guilty of the charge. Pursuant to the plea agreement, Appellant was sentenced to two years on the assault count, plus three years for the great bodily injury allegation, for a total of five years in state prison.

The abstract of judgment states that Appellant was convicted of assault with a deadly weapon, pursuant to Penal Code section 245, subdivision (a)(1). Appellant filed a notice of appeal, checking only the box indicating that she was challenging the validity of

her plea. Appellant has moved to amend or construe the notice of appeal to include language indicating that the appeal is based on “[g]rounds that arose after entry of the plea and do not affect the plea’s validity.” (Cal. Rules of Court, rule 8.304.) We will grant her motion.

DISCUSSION

Appellant contends that the abstract of judgment should be corrected to describe her conviction as assault by means of force likely to produce great bodily injury, not assault with a deadly weapon. This is the sole issue raised on appeal.

“Where there is a discrepancy between the oral pronouncement of judgment and the minute order or the abstract of judgment, the oral pronouncement controls.” (*People v. Walz* (2008) 160 Cal.App.4th 1364, 1367, fn. 3.) There is no question that “a court has the inherent power to correct clerical errors in its records so as to make these records reflect the true facts. [Citations.]” (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.) The appellate court therefore may “order[] correction of abstracts of judgment that did not accurately reflect the oral judgments of sentencing courts. [Citations.]” (*Ibid.*) Respondent concedes that the abstract of judgment should be corrected.

DISPOSITION

Appellant’s motion to amend her notice of appeal is granted. The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment, reflecting that Appellant was convicted of assault by means of force likely to produce great bodily injury, not assault with a deadly weapon.

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CHANAY, J.

We concur:

MALLANO, P. J.

ROTHSCHILD, J.